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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,834	04/13/2006	Franz Amtmann	AT03 0057 US1	5660

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EXAMINER	
RUSHING, MARK S	

ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
12/01/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No.	Applicant(s)	
	10/575,834	AMTMANN ET AL.	
	Examiner	Art Unit	
	Mark Rushing	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 April 2009* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/4/09 has been entered. Claims 19-34 are presented for examination of which Claims 19, 23, 26 and 31 are in independent form.

Drawings

2. The drawings are objected to. It would be of great assistance to the Office if all drawings contained descriptive labeling for the various elements shown and the steps within the flowcharts. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 19-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoult (5,323,149).

Regarding Claim 19, Hoult discloses a receiving method for contactless reception of identification from a data carrier through information units by a communication device (Abstract, Col 3 Lines 2-14), the method comprising: receiving a received information unit, wherein said communication device uses said received information unit as a first information unit originating from a first data carrier (Col 2 Lines 14-25); detecting a collision when said communication device receives at least two different information units with different values essentially simultaneously (Col 3 Lines 2-14), wherein the first information unit originates from the first data carrier and a second information unit originates from a second data carrier (Col 2 Line 26-37); using, as said first information unit originating from the first data carrier, a first replacement information unit established by the communication device instead of said received information unit only when the collision is detected (Col 3 Lines 56-61; *the first replacement information unit is read as the one sent when a mixed signal of 0 and 1 arrive at the master*

simultaneously; Line 58 if both a "0" and a "1" are received...send a "1"); and delivering said first replacement information unit to at least the first data carrier and the second data carrier in a contactless manner only when the collision is detected (Col 3 Lines 63-68; *the first replacement information unit is read as the one sent when a mixed signal of 0 and 1 arrive at the master simultaneously*), wherein said first replacement information unit halts only the second data carrier from continuing delivery of an information unit immediately following the previously delivered second information unit (Col 4 Lines 10-22).

Regarding Claim 20, Hoult discloses storing the received information unit as the second information unit originating from the second data carrier prior to said collision (Col 5 Lines 20-23).

Regarding Claim 21, Hoult discloses using a second replacement information unit instead of the previously established first replacement unit, wherein the second replacement information unit has a bit value opposite the value of the first replacement information unit and the communication device uses the second replacement unit as the second information unit originating from the second data carrier instead of the received information unit (Col 5 Lines 15-35, *the transmission would pick up where it left off from the first read tag, and as that bit from slave B is different from slave A, would transmit a bit value (second replacement information unit) opposite the value of the first replacement information unit*).

Regarding Claim 22, Hoult discloses the receiving method of claim 21, said receiving method further comprising: receiving all information units originating from the first data carrier until completion after the collision is detected (Col 4 Lines 23-36); generating and delivering a continue command to the second data carrier in a contactless manner, wherein said continue

command directs the second data carrier to deliver the second information unit (Col 4 Lines 29-30), beginning with an information unit immediately following a previously delivered information unit (Col 5 Lines 15-35).

Regarding Claim 23, Hoult discloses a delivering method from a data carrier to a communication device for contactless delivery of identification information of a data carrier through information units (Abstract), said method comprising: delivering an information unit (Col 3 Lines 2-14); checking for reception at said data carrier of a first replacement unit after said delivery of the information unit (Col 3 Line 63-Col 4 Line 9); continuing delivery of a further information unit, wherein the data carrier delivers an information unit immediately following the information unit previously delivered when the data carrier does not receive said first replacement information unit (*the first replacement information unit is read as the one sent when a mixed signal of 0 and 1 arrive at the master simultaneously*); and halting the delivery of information units when the data carrier delivers all of said identification information (Col 4 Lines 17-22).

Regarding Claim 24, Hoult discloses the delivering method of claim 23, further comprising: halting delivery of an information unit (Col 4 Lines 17-22), wherein the data carrier halts delivery of the information unit immediately following the information unit previously delivered when the data carrier receives a first replacement information unit and said first replacement information unit is not identical to the previously delivered information unit (Col 4 Lines 17-22).

Regarding Claim 25, Hoult discloses the delivering method of claim 24, wherein the data carrier continues delivering the information unit after reception of a continue command from the

communication device, said delivery beginning with the information unit immediately following a previously delivered information unit (Col 4 Lines 23-36, Col 5 Lines 15-35).

Regarding Claim 26, Hoult discloses a communication device circuit (Col 2 Line 67) designed for contactless communication with a data carrier storing identification information, the communication device circuit comprising: receiving means for receiving a received information unit (Abstract, Col 3 Lines 2-14), wherein said communication device circuit uses said received information unit as a first information unit carrying a portion of a first identification information from a first data carrier (Col 3 Lines 56-61); detecting means for detecting a collision of two different information units with two different values (Col 3 Lines 2-14), wherein the first information unit originates from a first data carrier and a second information unit originates from a second data carrier (Col 2 Lines 26-37); replacing means for replacing the received information unit with a first replacement information unit established by the communication device circuit to be used by said communication device circuit as the first information unit from the first data carrier only when the collision is detected (Col 3 Lines 56-61; *the first replacement information unit is read as the one sent when a mixed signal of 0 and 1 arrive at the master simultaneously*); and delivering means for contactless delivery of the first replacement information unit to at least the first data carrier and the second data carrier only when the collision is detected (Col 3 Lines 63-68; *the first replacement information unit is read as the one sent when a mixed signal of 0 and 1 arrive at the master simultaneously*), wherein said first replacement information unit halts only the second data carrier from continuing delivery of an information unit immediately following the previously delivered second information unit (Col 4 Lines 10-22).

Regarding Claim 27, Hoult discloses the communication device circuit of claim 26,

further comprising: storing means for storing each received information unit prior to the collision as a unit originating from the second data carrier (Col 5 Lines 20-23).

Regarding Claim 28, Hoult discloses the communication device circuit of claim 27, wherein the replacing means are configured to: replace the first replacement information unit with a second replacement information unit, wherein the communication device circuit uses the second replacement information unit as the information unit originating from the second data carrier instead of the received information unit when a collision occurs (Col 5 Lines 15-35, *the transmission would pick up where it left off from the first read tag, and as that bit from slave B is different from slave A, would transmit a bit value (second replacement information unit) opposite the value of the first replacement information unit*).

Regarding Claim 29, Hoult discloses the communication device circuit of claim 28, further comprising continue command means configured to: generate a continue command after the collision is detected (Col 4 Lines 23-36), and deliver said continue command, wherein said continue command restarts the second data carrier delivering the second information unit (Col 4 Lines 29-30) beginning with the information unit immediately following the previously delivered second information unit (Col 5 Lines 20-35).

Regarding Claim 30, Hoult discloses a communication device comprising the communication device circuit of claim 26 (*all elements are addressed with regard to Claim 26*).

Regarding Claim 31, Hoult discloses a data carrier circuit (Col 2 Line 67) designed for contactless communication with a communication device that stores data carrier identification information (Abstract), the data carrier circuit comprising: delivering means for delivery of an information unit in a contactless manner (Col 3 Lines 2-14); and checking means for receiving a

first replacement information unit established in the communication device after the data carrier circuit delivers said information unit (Col 3 Line 63-Col 4 Line 9); wherein the delivering means continues delivery of the identification information, beginning with an information unit immediately following the previously delivered information unit when the data carrier circuit does not receive said first replacement information unit (*the first replacement information unit is read as the one sent when a mixed signal of 0 and 1 arrive at the master simultaneously*), and halts the delivery of information units when the data carrier circuit delivers all of the identification information (Col 4 Lines 17-22).

Regarding Claim 32, Hoult discloses the data carrier circuit of claim 31, further comprising: means for halting delivery of the identification information (Col 4 Lines 17-22) when the data carrier circuit receives a first replacement information unit that is not identical to the previously delivered information unit (Col 5 Lines 15-35); and storing means of a position immediately following the previously delivered information unit (Col 4 Lines 17-22; Col 5 Lines 20-23).

Regarding Claim 33, Hoult discloses the data carrier circuit of claim 32, further comprising: receiving means for receiving a continue command from the communication device; detecting means for detecting said continue command; and continuing means for delivering an information unit immediately following the previously delivered information unit after detecting a continue command (Col 4 Lines 23-36; Col 5 Lines 15-35).

Regarding Claim 34, Hoult discloses a data carrier comprising the data carrier circuit of claim 31 (*all elements are addressed with regard to Claim 31*).

Response to Arguments

5. Applicant's arguments filed 11/4/09 have been fully considered but they are not persuasive for the following reasons:

Arguments:

a. Applicant respectfully submits that Hoult fails to disclose, teach, or suggest, "delivering said first replacement information unit to at least the first data carrier and the second data carrier in a contactless manner only when the collision is detected," as recited in claim 19 and similarly recited in claim 26. Hoult discloses an infrared communications system where slave units transmit identification to a master unit. However, the master unit in Hoult always echoes the value of at least one of the ID bits received from the slaves. See, e.g., Fig. 3, Column 3, Lines 63-66.

b. Applicant respectfully submits that Hoult fails to disclose, teach, or suggest, "continuing delivery of a further information unit, wherein the data carrier delivers an information unit immediately following the information unit previously delivered when the data carrier does not receive said first replacement reformation unit," as recited in claim 23 and similarly recited in claim 31.

c. As discussed above in relation to claims 19 and 26, the receiver in Hoult always transmits a data bit back to the slaves. Hoult, therefore, does not disclose a data carrier continuing to send information if it does not receive a replacement unit, as the data carrier always receives a bit from the receiver due to the echo. In contrast, the recited subject matter decreases communication time between the receiver and the data carrier, as the receiver remains silent until a collision between two data carrier IDs occurs.

Responses:

a. In response to applicant's argument that the reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., does not always echo the value of at least one of the ID bits received from the slaves AND does not always transmit a data bit back to the slaves) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Claims, as they are written, do not exclude the echo feature of the Hoult reference.

b. The first replacement information unit is read as the one sent when a mixed signal of 0 and 1 arrive at the master simultaneously; therefore, Hoult does read on Claims 23 and 31.

c. There is a difference seen between what is argued and the reference; however, the claim language is not clearly differentiated over the prior art.

Examiner could not find "*only* when the collision is detected" within the specification. Examiner would suggest using language found in the specification to clearly differentiate the claims over the prior art and avoiding the term "only" in the claims (especially when it has not been spelled out in the specification, as it could create a 112 issue with new matter). For instance, using clear recitation for the idea of the communication device not transmitting/echoing until a collision occurs; and the data carrier not receiving data until a collision occurs, without bringing up new matter.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mark Rushing whose telephone number is (571)270-5876. The examiner can normally be reached on Monday-Friday 8:30AM to 5:00PM EST (Alt Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MR/

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612